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16 UNITED STATES DISTRICT COURT
17 DISTRICT OF NEVADA

18 DIAMOND RESORTS INTERNATIONAL, INC., a) Case No.: 2:17-cv-03007-RFB-VCF
Delaware corporation; DIAMOND RESORTS)
19 CORPORATION, a Maryland corporation;)
DIAMOND RESORTS U.S. COLLECTION)
20 DEVELOPMENT, LLC, a Delaware limited liability) **STIPULATED RULE 502(d)**
company; and DIAMOND RESORTS) **ORDER**
21 MANAGEMENT, INC., an Arizona corporation,)
22 Plaintiffs,)
23 vs.)
24 REED HEIN & ASSOCIATES, LLC, a Washington)
limited liability company DBA TIMESHARE EXIT)
25 TEAM; BRANDON REED, an individual and)
citizen of the State of Washington; TREVOR HEIN,)
26 an individual and citizen of Canada; and SCOTT)
LOUGHRAM, an individual and citizen of the State)
27 of Washington,)
28 Defendants.)

1 Plaintiffs DIAMOND RESORTS INTERNATIONAL, INC.; DIAMOND RESORTS
2 CORPORATION; DIAMOND RESORTS U.S. COLLECTION DEVELOPMENT, LLC; and
3 DIAMOND RESORTS MANAGEMENT, INC., (“Plaintiffs”), and Defendant REED HEIN &
4 ASSOCIATES, LLC d/b/a TIMESHARE EXIT TEAM (“Defendant”), by and through their
5 respective attorneys of record, stipulate as follows:

6 1. **No Waiver by Disclosure.** This order is entered pursuant to Rule 502(d) of the
7 Federal Rules of Evidence. Subject to the provisions of this Order, if a party (the “Disclosing
8 Party”) discloses information in connection with the pending litigation that the Disclosing Party
9 thereafter claims to be privileged or protected by the attorney-client privilege or work product
10 protection (“Protected Information”), the disclosure of that Protected Information will not
11 constitute or be deemed a waiver or forfeiture—in this or any other action—of any claim of
12 privilege or work product protection that the Disclosing Party would otherwise be entitled to
13 assert with respect to the Protected Information and its subject matter.

14 2. **Notification Requirements; Best Efforts of Receiving Party.** A Disclosing Party
15 must promptly notify the party receiving the Protected Information (“the Receiving Party”), in
16 writing, that it has disclosed that Protected Information without intending a waiver by the
17 disclosure. Upon such notification, the Receiving Party must—unless it contests the claim of
18 attorney-client privilege or work product protection in accordance with paragraph 3—promptly (i)
19 notify the Disclosing Party that it will make best efforts to identify and return, sequester or
20 destroy (or in the case of electronically stored information, delete) the Protected Information and
21 any reasonably accessible copies it has and (ii) provide a certification that it will cease further
22 review, dissemination, and use of the Protected Information. Within five business days of receipt
23 of the notification from the Receiving Party, the Disclosing Party must explain as specifically as
24 possible why the Protected Information is privileged. [For purposes of this Order, Protected
25 Information that has been stored on a source of electronically stored information that is not
26 reasonably accessible, such as backup storage media, is sequestered. If such data is retrieved, the
27 Receiving Party must promptly take steps to delete or sequester the restored protected
28 information.]

1 3. **Contesting Claim of Privilege or Work Product Protection.** If the Receiving
2 Party contests the claim of attorney-client privilege or work product protection, the Receiving
3 Party must—within five business days of receipt of the notice of disclosure—move the Court for
4 an Order compelling disclosure of the information claimed as unprotected (a “Disclosure
5 Motion”). The Disclosure Motion must be filed under seal and must not assert as a ground for
6 compelling disclosure the fact or circumstances of the disclosure. Pending resolution of the
7 Disclosure Motion, the Receiving Party must not use the challenged information in any way or
8 disclose it to any person other than those required by law to be served with a copy of the sealed
9 Disclosure Motion.

10 4. **Stipulated Time Periods.** The parties may stipulate to extend the time periods set
11 forth in paragraphs 2 and 3.

12 5. **Attorney’s Ethical Responsibilities.** Nothing in this order overrides any
13 attorney’s ethical responsibilities to refrain from examining or disclosing materials that the
14 attorney knows or reasonably should know to be privileged and to inform the Disclosing Party
15 that such materials have been produced.

16 6. **Burden of Proving Privilege or Work-Product Protection.** The Disclosing
17 Party retains the burden—upon challenge pursuant to paragraph 3—of establishing the privileged
18 or protected nature of the Protected Information.

19 7. **In camera Review.** Nothing in this Order limits the right of any party to petition
20 the Court for an *in camera* review of the Protected Information.

21 8. **Voluntary and Subject Matter Waiver.** This Order does not preclude a party
22 from voluntarily waiving the attorney-client privilege or work product protection. The
23 provisions of Federal Rule 502(a) apply when the Disclosing Party uses or indicates that it may
24 use information produced under this Order to support a claim or defense.

25 9. **Rule 502(b)(2).** The provisions of Federal Rule of Evidence 502(b)(2) are
26 inapplicable to the production of Protected Information under this Order.

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10. Nothing contained herein is intended to or shall serve to limit a party's right to conduct a review of documents, ESI or information (including metadata) for relevance, responsiveness and/or segregation of privileged and/or protected information before production.

DATED: January 29, 2019

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/s/ Robert S. Larsen

/s/ Daniel J. Barsky

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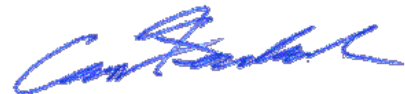
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Attorneys for Plaintiffs

Dated: this 29th day of January, 2019.

IT IS SO ORDERED.



UNITED STATES MAGISTRATE JUDGE